

appearing on the labels of the respective lots, were false and misleading and deceived and misled the purchaser.

On February 18, 1925, the A. B. Williams Fruit Co., Sodus, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13119. Adulteration and misbranding of digester tankage. U. S. v. the Chapman, Doake Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19347. I. S. No. 9112-v.)**

On February 14, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman, Doake Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about January 16, 1924, from the State of Illinois into the State of Indiana, of a quantity of digester tankage which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 23.05 per cent of protein, and a large amount of egg shells.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein had been substituted for digester tankage guaranteed to contain not less than 60 per cent of protein, which the said article purported to be. Adulteration was alleged for the further reason that a substance, to wit, egg shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "The Chapman, Doake Company, of Decatur, Ill., Guarantees this Digester Tankage to contain not less than 60.0 per cent of crude protein, and to be compounded from the following ingredients: Meat, Blood, Bone and Intestinal Offal," borne on the tags attached to the sacks containing the article, and the statement, to wit, "Digester Tankage Analysis Protein 60.00%," borne on the said sacks, were false and misleading, in that the said statements represented that the article contained not less than 60 per cent of protein and was compounded from meat, blood, bone and intestinal offal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein and was compounded from meat, blood, bone and intestinal offal, whereas it contained less than 60 per cent of protein and was not compounded solely from meat, blood, bone and intestinal offal, in that it contained egg shells, an undeclared ingredient.

On February 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13120. Adulteration of tomato puree. U. S. v. 250 Cases of Tomato Puree. Default decrec of condemnation, forfeiture, and destruction. (F. & D. No. 19533. I. S. No. 17120-v. S. No. E-5111.)**

On January 23, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of tomato puree, consigned by the Davis Canning Co., Laurel, Del., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Laurel, Del., on or about October 4, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Puree Packed By The Davis Canning Co. Laurel, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*